Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-30 are pending in the application, of which claims 1, 7, and 16 are independent. By the foregoing Amendment, claims 1, 3, 6, 7, 12, 15, 18, and 21 are sought to be amended. Claim 30 is sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Provisional Double Patenting

The Examiner, on page 2 of the Final Office Action, has rejected claims 1-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Application No. 09/948,708. The Examiner has indicated that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not yet been patented. Therefore, Applicants will submit a terminal disclaimer at a later date, if deemed necessary.

Rejection under 35 U.S.C. § 102

The Examiner, on page 3 of the Final Office Action, states that claims 1-3, 5-12, 14-18, and 20-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,416 to Kirsch. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 1, 7, and 16, the Examiner states that Kirsch teaches every element of these claims. Applicants respectfully disagree.

Contrary to the present invention, Kirsch does not teach or suggest every element of Applicants' invention. For example, referring to independent claim 1, Kirsch does not teach or suggest at least the following claimed elements:

> monitoring communications between a plurality of users and a user having a shared resource, wherein the shared resource to be shared amongst one or more of the plurality of users;
> determining social network data from the communications between the plurality of users and the user having the shared resource;
> determining an access level for each of the plurality of users based on the social network data; and
> configuring the access control list to provide each of the plurality of users the access level determined for accessing the shared resource.

Unlike the present invention, which teaches an access control list to access a shared resource in a social network, Kirsch teaches methods for blocking e-mails from spam e-mail sources. *Kirsch*, Abstract, *et seq.* Contrary to the present invention, the sections of Kirsch cited by the Examiner teach a robot account e-mail message receipt process. *Kirsch*, col. 11, lines 28-61. Inbound e-mails are received and inserted into the robot account's pending box where it is scanned for a digital signature. *Id.* at col. 11, lines 32-36. If the digital signature is found invalid or if no digital signature is found, the received e-mail is removed from the pending box and a challenge list is updated. *Id.* at col. 11,

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lines 37-40. If a valid digital signature exists, the message is examined for a correct response to a cognitive request. *Id.* at col. 11, lines 41-43. If the response is absent or incorrect, the e-mail is removed from the pending box. *Id.* at col. 11, lines 43-45. If a valid cognitive response is found, the response e-mail is discarded and the challenge list is updated. *Id.* at col. 11, lines 45-47. The robot is enabled to access the pending box of the user account to transfer the corresponding challenged e-mail message from the user's pending box to the user's inbox. *Id.* at col. 11, lines 48-54. The robot may update the accept list or provide for the active e-mail filtering client to prompt the user to update either the accept list or reject list when the e-mail message is accessed by the user. *Id.* at col. 11, lines 56-60. Thus, contrary to the present invention, Kirsch teaches a challenge list, an accept list, and a reject list, not a control access list. In fact, Kirsch is silent with regards to an access control list, an access level, a shared resource, and a social network.

The Examiner also cites col. 12, lines 47-67 of Kirsch as teaching Applicants' element of "configuring the access control list ...." Again, Applicants respectfully disagree. This section of Kirsch cited by the Examiner teaches a process provided for the user to prepare entries for the accept list. Thus, unlike the present invention, which configures an access control list, Kirsch is preparing entries for the accept list.

Thus, for at least these reasons, Applicants respectfully submit that Kirsch does not include each and every element of Applicants' claimed invention as recited in independent claim 1. Independent claims 7 and 16 include similar elements to those recited in independent claim 1. Therefore, independent claims 1, 7, and 16, and the claims that depend therefrom (claims 2-6, 22-23, 28, and new claim 30, claims 8-15 and

24-25, and claims 16-21, 26-27, and 29, respectively)), are patentable over Kirsch. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner, on page 5 of the Office Action, has rejected claims 4, 13, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsch in view of U.S. Patent No. 6,044,466 to Anand *et al.* (hereinafter "Anand"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 4, 13, and 19 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsch for at least the reasons stated above. Furthermore, Anand does not teach or suggest the features missing from Kirsch. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claim 4, 13, and 19.

The Examiner, on page 6 of the Office Action, has rejected claims 22, 24, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsch in view of U.S. Patent No. 6,654,787 to Aronson *et al.* (hereinafter "Aronson"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 22, 24, and 26 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsch for at least the reasons stated above. Furthermore, Aronson does not teach or suggest the features missing from Kirsch. Applicants

therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claim 22, 24, and 26.

The Examiner, on page 6 of the Office Action, has rejected claims 23, 25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsch in view of U.S. Patent No. 6,654,787 to Aronson *et al.* (hereinafter "Aronson") in further view of U.S. Patent No. 6,711,570 to Goldberg *et al.* (hereinafter "Goldberg"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 23, 25, and 27 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsch for at least the reasons stated above. Furthermore, Aronson and Goldberg do not teach or suggest the features missing from Kirsch. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 23, 25, and 27.

The Examiner, on page 7 of the Office Action, has rejected claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsch in view of U.S. Patent No. 6,453,327 to Nielsen. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 28 and 29 depend from independent claims 1 and 16, respectively, which are patentable over Kirsch for at least the reasons stated above. Furthermore, Nielsen does not teach or suggest the features missing from Kirsch. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 28 and 29.

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New Claim

Applicants have added new claim 30, which depends from independent claim 1. Thus, for at least the reasons stated above, claim 30 is also patentable over the cited references.